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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 11TH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 February 1992 at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 10.05 a.m.

STATEMENT BY THE CHAIRMAN OF THE SUPREME SOVIET OF THE REPUBLIC OF BELARUS

1. The CHAIRMAN welcomed the Chairman of the Supreme Soviet of the Republic of Belarus and invited him to address the Commission.

2. Mr. SHUSHKEVICH (Belarus) said that, as the threat of global conflict receded, human rights questions were coming to the forefront of international attention and there was no longer a polarization of priorities between economic and social progress, on the one hand and respect for the rights of the individual on the other. In fact, history had borne out the concept enshrined in the Charter of the United Nations of the link between human rights, peace and friendly relations between nations based on equality of rights and sovereignty, and economic and social progress.

3. There was thus every prospect that the Commission on Human Rights could play an increasingly important role as the coordinating centre for international efforts to ensure that existing human rights standards were respected and new standards introduced. One of the tasks of a democratic society was to enable individuals to withstand threats of violence and incitement and the totalitarian view of life through a proper understanding of the law and participation in the legislative process. Unfortunately, that was not an option available to the vast majority of mankind.

4. It should be emphasized that cooperation among all States was of the utmost importance in the realm of human rights. That was true for States which had achieved a fully developed democratic system, those which were on the threshold of such a society, States which had thrown off the shackles of totalitarianism, and, finally, those in which there continued to be a violent struggle for the emergence of human rights.

5. The spiritual impoverishment and economic stagnation from which so many millions had suffered were the direct result of disregard for the fundamental rights and freedoms of the individual. The penalties to be paid for such neglect were all too visible.

6. New criteria in the evaluation of universal human rights had caused major problems with regard to his country's existing legislation and painstaking efforts were needed to bring that legislation into line with international obligations.

7. His delegation was aware that it would be extremely difficult in the short term to resolve the enormous problems involved in democratizing all aspects of life. However, there was a firm conviction that all citizens of Belarus wished to see a democratic State based on the rule of law. The Belarusan Parliament could be relied upon to fulfil its obligations in introducing appropriate legislation, as could be seen from recent enactments regarding freedom of conscience and citizenship.

8. The Supreme Soviet of the Republic of Belarus had recently ratified the Optional Protocol to the International Covenant on Civil and Political Rights and had recognized the competence of the Human Rights Committee under article 41 of that Covenant. In other words, a decisive step had been taken to bring national legislation fully into line with the generally recognized international human rights standards.

9. At the same time, it should be admitted that the process was far from easy: one cause of concern was that of social security during the transition to a market economy, particularly with regard to highly vulnerable groups, such as the elderly and young people.

10. There was also a problem regarding the implementation of decisions already taken by the legislature, since they entailed considerable expenditure. At the same time, the role of the courts in bringing about democratic transformation was being strengthened, and efforts were being made to ensure greater awareness of legal rights and obligations.

11. Turning to the question of the right of peoples to self-determination, he said that such a right was not merely a matter of an inevitable historical process, but rather a fundamental principle and, objectively, a necessity of the age.

12. It had yet to be understood why the processes involved in the growth of national self-awareness had become more acute in recent decades, and why they were evident in virtually all the regions of the world. They had not bypassed his own country, where, on 27 June 1990, the Supreme Soviet of the Republic had promulgated its Declaration on the Sovereignty of the State. The Republic's sovereignty was based on the concept of territorial integrity, independent decision-making and the right of its people to determine their political and economic structure.

13. In a genuinely democratic society, all citizens must have legal guarantees of their right to harmonious development, to inviolability of the person and to decent living conditions and conditions of work. That also implied recognition of the individual's creative potential, which had been stifled in the period of excessive centralism. Adoption of the Declaration signalled the end of the totalitarian system and the beginnings of pluralism and greater participation by citizens in the country's political life. Obviously, enormous efforts were required to realize the aspirations expressed in the Declaration.

14. Enormous efforts must also be brought to bear to overcome the effects of the Chernobyl nuclear accident. More than 10 million people had been affected, and the primary concern must be to protect the population of Belarus from the consequences of the catastrophe.

15. Unfortunately, violence and peremptory demands were likely to prevail in the conditions of democracy, but there was still a resolve to settle issues by peaceful means, even in a country where the system of law was not fully developed.

16. There was no doubt that it was vastly more difficult to introduce democracy against a background of economic misfortune. At the same time, he felt entitled to claim that the democratic process in Belarus had made solid progress, and that there was a general awareness that there could be no retreat from democracy. The Belarusan people were also aware that they had been the victims of a hyper-centralized and totalitarian State - the USSR. The process of disengagement would be frustrating, and might even involve international conflicts.

17. It was only recently, with the establishment of the Commonwealth of Independent States, that new prospects had opened up of stabilization and integration. The Commonwealth had its difficulties, but it had its own vitality, and would take its due place in the international community.

18. As an active proponent of human rights, he pledged his Government's continuing commitment to the principles of objectivity and respect for human rights, and expressed its support for the idea of establishing a centre for human rights documentation in Minsk.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1992/8 and 10; A/46/401)

ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1991/13 and Add.1)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 14) (continued) (E/CN.4/1992/39 and 42 and Add.1; E/1991/39; A/C.3/46/2)

19. Mr. LONTAI (Hungary) said that the items under consideration constituted one of the most sensitive aspects of the struggle to ensure human rights and to end discrimination. His Government strongly condemned all forms of racial discrimination and, in particular, discrimination practised by the State and institutionalized in the form of apartheid.

20. His delegation wished to stress the importance of the role of non-governmental organizations, and especially that of Amnesty International, in making information available and in awakening the conscience of the international community. It was regrettable that the South African Government had not given permission for the Ad Hoc Working Group of Experts to visit South Africa, and he hoped that such a visit would be authorized before the Working Group's final report was issued.

21. Among the radical changes that had taken place, mention should be made of the repeal of various discriminatory enactments such as the Land Acts, the Group Areas Act and the Population Registration Act, in addition to the release of Mr. Mandela and other political prisoners and the suspension of the state of emergency. None of those changes could have come about without the constant pressure of international public opinion and, more particularly, the relevant resolutions of the Commission.

22. Much remained to be done, however, to eliminate all the consequences of apartheid, as the Working Group's report made clear. Much legislation was still discriminatory, and the authorities continued to violate human rights and personal freedoms. It was disturbing to note the incidents of violence and the frequent lack of impartiality shown by the police force. The system of Bantustans must be abolished, and greater efforts made in the field of education.

23. His Government would continue its resolute endeavours to ensure the complete dismantling of apartheid. It took the view that, in addition to sanctions, which should be exercised with due regard for the principle of proportionality and should take account of positive changes, there must be dialogue with the South African Government. Indeed, in some cases it might be desirable to encourage the South African Government by suspending sanctions. That would be his Government's approach in its negotiations with President De Klerk, which had just begun in Budapest.

24. Mr. GARRETON (Chile) said that one of the main concerns of the United Nations as an essential factor in preserving peace and security among peoples, was the establishment of a legal system and a social and political conscience that guaranteed the effective enjoyment of human rights without distinction as to race, sex, language or religion. That concern had been illustrated by a set of international legal instruments starting with the Charter itself and by organs with a mandate to analyse and propose options to promote understanding among the various communities in the world.

25. Despite the efforts of Governments, institutions and non-governmental organizations, various forms of racism and racial discrimination continued to disrupt social coexistence and the observance of human rights and fundamental freedoms. The disturbing persistence and recrudescence of discriminatory and racist practices constituted a new threat to international peace and security. Particularly alarming were the manifestations of racism and xenophobia in the developed countries directed against immigrants from developing countries. In the first half of the century, the countries of the South had received thousands of Europeans who had been persecuted in their countries. In the second half of the century, it was the developed countries that had protected persecuted persons from the South.

26. Although the manifestations of violence were not encouraged, approved or tolerated by the Governments and peoples of the countries where they occurred, it was necessary to find ways to prevent a repetition of those incidents.

27. His own country was in the process of rebuilding democracy, one of the main aspects of which was the reconciliation of its citizens. In that context, his Government had inherited legislation and, what was more serious, social practices which discriminated against the original inhabitants of the Chilean nation. In accordance with its democratic and libertarian principles, his Government, in consultation with the indigenous communities, had made various legal proposals designed to recognize the presence, existence and rights of those peoples, as an integral part of the nation.

28. His delegation thought that the Commission should adopt specific initiatives to strengthen the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and should examine all forms of discrimination, intolerance and racism found in contemporary society. In that connection, he wished to refer to the meeting of representatives of national institutions and organizations for the promotion and protection of human rights, held in Paris in October 1991, pursuant to Commission resolution 1991/11. The primary purpose of the meeting had been to analyse the role and structures of governmental organizations which were not parliamentary or judicial institutions nor concerned with the protection of specific groups.

29. Under other items of its agenda, the Commission would deal with the administration of justice and the independence of the judiciary in the countries of the world. If judges were truly independent and exercised their powers impartially, many of the frightful incidents reported to the Commission would not have occurred. Instead, many States had found it necessary to establish institutions to defend and protect fundamental rights. However, such institutions could carry out their role only in consolidated democracies, where the judiciary was independent and its decisions respected and where the State did not regard the citizen as an enemy.

30. The work of those institutions if they were independent and free of pressure, was complementary to that carried out by the non-governmental organizations. That was not the case in dictatorial regimes or in those where the State authorities were subject to pressure, in particular from the military. Such regimes created commissions which were dependent upon them and which existed solely for propaganda purposes. They simply prepared reports which were submitted to international organizations with a view to denying the truth of incidents reported by the non-governmental organizations.

31. In his delegation's view, therefore, the specific recommendation of the Paris meeting concerning technical cooperation by national human rights institutions had to be understood as referring to those institutions which had made an effective contribution and were carrying out their function of promoting and defending human rights in an independent and responsible manner.

32. Mr. MARKIDES (Cyprus) said that, while the positive changes that had taken place in South Africa since 1990 were to be welcomed, his delegation continued to be concerned by the fact that many vestiges of apartheid remained, despite the repeal of much discriminatory legislation. Thus, for example, the Bantustan policy was a mockery of the right to self-determination, and his delegation fully agreed with the Ad Hoc Working Group of Experts that the constitutional reform process should include the abolition of the entire Bantustan system (E/CN.4/1992/8, para. 178).

33. Another obstacle to the genuine elimination of apartheid was the fact that, although the state of emergency was no longer in force, the South African Minister of Law and Order was still authorized to declare "unrest areas", thereby extending to the police powers not dissimilar to those it had had during the state of emergency. Moreover, hundreds of political

prisoners remained in jail, and the internal security forces retained far-reaching authority. Apartheid legislation had been replaced by new laws which permitted white communities to maintain the status quo. Meanwhile, the majority of South Africa's black population continued to live in such abject poverty that it was unable to avail itself of the opportunities afforded by the repeal of the 1913 and 1936 Land Acts.

34. In short, it was not sufficient merely to repeal legislation: a change of mentality was also needed, and the educational system in South Africa must play a major role in that process. His delegation agreed with the view expressed by the Secretary-General that the problems facing the majority of South Africans were so vast as to require a comprehensive national programme of redress.

35. His delegation followed developments in South Africa closely, and welcomed the agreement to hold a Convention of political parties to discuss South Africa's future. All the parties concerned should play their part in negotiating an early termination of the inhuman, repressive and unjust system of apartheid. The responsibility of the international community in achieving that goal was of equal importance in ensuring the successful outcome of the talks.

36. In conclusion, he said that his Government had always advocated the transformation of South Africa into a non-racial, democratic and unified society based on the enjoyment of fundamental freedoms by all without any discrimination in terms of colour or race, and in particular, on the principle of "one man - one vote".

37. Mr. SEZAKI (Japan) said that his delegation regretted the fact that, despite the historic changes that had taken place in South Africa in recent years, the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1991/10) documented a number of alleged violations of human rights. The reports on the continuing violations of the human rights of children were particularly distressing.

38. His delegation was, nevertheless, encouraged by the recent positive changes introduced in South Africa, such as the repeal of the Population Registration Act, the Group Areas Act, and the Land Acts, and the holding of the Convention for a Democratic South Africa.

39. It was regrettable that the Ad Hoc Working Group had been unable to include in its report any observations derived from on-the-spot investigations because the South African Government had not responded to the proposal for a visit by the Working Group. His delegation hoped that the necessary authorization would be forthcoming to enable the Working Group to investigate at first-hand the human rights situation in South Africa, since the renewal of the Group's mandate would have little point if there was no prospect of such a visit.

40. His delegation also regretted the reported lack of cooperation between the Working Group and the Special Committee Against Apartheid and would like to know the reasons for that situation.

41. Japan was still strongly opposed to the policies of apartheid. His Government had, nevertheless, reopened diplomatic relations with the Government of South Africa on 13 January 1992 in recognition of the efforts being made by President De Klerk, and other concerned parties to achieve the abolition of apartheid. Such positive changes needed to be supported in order to promote the process of reform. In that connection, more attention should be paid in future to the positive consequences of foreign assistance to the Government of South Africa and to black South Africans, since such assistance might accelerate the reform process in the country.

42. His Government supported the United Nations educational and training programme for southern Africa, as well as the activities of other United Nations organs and non-governmental organizations, and had also contributed US$ 3.2 million to the United Nations High Commissioner for Refugees for the programme for the repatriation of South African refugees and exiles. It reiterated its commitment to the process of peaceful reform and pledged to redouble its efforts, in cooperation with the other members of the international community, to establish stable relations with South Africa and to promote a new, non-racial and democratic order.

43. Referring to agenda item 14, his delegation was encouraged to learn from the report of the Secretary-General (E/CN.4/1992/39) that the joint efforts of the various agencies and committees involved in the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had been proceeding smoothly. It had always emphasized inter-agency cooperation and coordination as a means of making a long-term programme of action a success and it therefore endorsed the suggestions made by the Coordinator at the Second Inter-Agency Meeting, held at Geneva on 19 April 1991, which were contained in paragraph 31 of the report. It also supported the United Nations programme for advisory services and technical assistance in the field of human rights as a means of addressing the future needs of disadvantaged South Africans.

44. In conclusion, his delegation hoped that, at its current session, the Commission would bear fully in mind the changes that had been taking place in South Africa and in other parts of the world, as well as the importance of devising realistic approaches to the problems faced by the international community.

45. Mr. OSMANY (Bangladesh) said that apartheid was a monumental disgrace to modern civilization. The changes that had taken place in South Africa since the previous session of the Commission had done little to demolish the system of discrimination based on birth and the colour of skin. While taking note of the developments reported, the Commission could not ignore the fact that as many as 22 apartheid laws were still on the statute books and that the racist minority in South Africa was still refusing to cooperate with the investigative activities of the Commission.

46. Human rights violations in South Africa not only continued unabated but in certain areas had become worse than before. In that connection, his delegation wished to express his appreciation of the informative report by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1992/8) and the

report of the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1991/13 and Add.1). Their reports showed clearly that, in South Africa, fundamental human rights were still being blatantly denied to the majority of the population.

47. It was shocking to learn from the report of the Ad Hoc Working Group that some elements in the South African security forces were even instigating and funding violence and destruction among the black population. Those aspects of anti-human rights behaviour by the racists in South Africa had to be investigated further and strongly condemned.

48. Formal and informal repression in South Africa still continued. Vigilantes, hit-squads and right-wing terrorists were still causing indiscriminate deaths. Political prisoners still languished in South African jails and security forces were still killing and arresting black people without legal accountability.

49. Collective international efforts, including political and economic pressures, had partially succeeded in forcing a policy change in the South African racist power structure. The pace of that change had to be accelerated. Moreover, the improvements that had taken place so far needed to be consolidated. The statesmanlike role of Mr. Nelson Mandela deserved to be fully supported by the international community which must continue to exert all legal, economic and moral pressure on the South African regime.

50. The changed geopolitical environment characterized by increasing cooperation and ever-declining confrontation offered a good opportunity for the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Existing forms of racism were being subjected to sustained international pressure, but new forms of racial discrimination were emerging, aimed at immigrants and foreign students in some countries.

51. The report by the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1992/39) brought into focus the range of United Nations activities in that area as the Decade approached its close. All Governments should fully support the Action Programme for the forthcoming Third Decade and, in that way, the concerted efforts of the global community and of the United Nations institutions would undoubtedly succeed in demolishing the inhuman structure of racial discrimination.

52. Mr. CALOVSKI (Yugoslavia) said that the final eradication of apartheid in South Africa should remain a priority of the Commission on Human Rights, and of the entire international community. The Commission had a valuable contribution to make in that regard and it should therefore pay careful attention to the content of the resolutions it proposed to adopt.

53. The system and practice of apartheid could not be reformed and must therefore be abolished. The international community, in his delegation's view, should help to accelerate that process so as to forestall the forces that sought to halt it by creating situations of violence and disturbances.

To achieve the total eradication of apartheid and the establishment of a free, non-racial and democratic South Africa, it was necessary to change the South African Constitution, which still constituted a formal basis for apartheid.

54. His delegation considered the holding of the Convention on a Democratic South Africa in December 1991 to be a very important step towards the abolition of apartheid and hoped that that event would contribute to the process of reform initiated by the leader of the ANC, Nelson Mandela, and by President De Klerk. The commitment of President De Klerk to the goal of a free, democratic constitutional system based on representation for all was very important and his delegation hoped that such a system would soon be achieved.

55. Another positive development was the agreement between the United Nations High Commissioner for Refugees and the South African Government in 1991 concerning the voluntary repatriation of South African refugees and exiles. That agreement should help the reintegration of political exiles and facilitate the release of political prisoners, thereby consolidating the process of reform.

56. An important adjunct to that process was economic growth in South Africa. Indeed, economic and social development were necessary to complement efforts aimed at the eradication of apartheid.

57. It was impossible to promote human rights in situations in which racial discrimination was practised or advocated, even on a small scale. The efforts of the international community to eliminate all forms of racial discrimination, including apartheid, should therefore be pursued at all levels - national, regional and global. In that endeavour, it was important to avoid double standards and selfish interests and he was certain that, as in previous years, the Commission on Human Rights had a positive contribution to make in that regard.

58. Ms. BRYCE (Australia) said that, as the end of the Second Decade to Combat Racism and Racial Discrimination approached, her Government acknowledged the central role which the United Nations had played in the fight against racial discrimination. None the less, racial prejudice and discrimination persisted in almost all societies and the highest priority must still be accorded to the process of education aimed at overcoming the ignorance and suspicion which underlay racist attitudes.

59. In that regard, the International Convention on the Elimination of All Forms of Racial Discrimination and the work of the Committee on the Elimination of Racial Discrimination were an essential focus for international activity against racism and racial discrimination. Governments, for their part, must ensure that international standards in that area were met.

60. Her delegation attached great importance to initiatives aimed at enhancing the effectiveness of the work of human rights treaty bodies. Accordingly, it had submitted proposals for amendments to the funding

provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. It was pleased to note the broad support which those proposals had attracted and hoped that, with a better funding base, the cancellation of meetings of the Committee on the Elimination of Racial Discrimination would become a thing of the past.

61. Although the Convention had achieved widespread acceptance, it was clear that the existing body of standards and current international activity had not sufficed to secure equal enjoyment of human rights for all, regardless of race. That was particularly so in the case of indigenous peoples. Her delegation thus wished to emphasize the importance of the 1993 International Year for the World's Indigenous People and of the activities of the Sub-Commission's Working Group on Indigenous Populations.

62. It was beyond argument that human rights were a legitimate subject of concern to the international community and the assertion that such discussion in appropriate United Nations forums constituted intervention in matters of domestic jurisdiction was no longer tenable. Her Government therefore accepted that it was completely legitimate for its own record to be open to international scrutiny.

63. While the Australian people was proud of its democracy, legal system and open society, it nevertheless recognized that much remained to be done to protect human rights in Australia, as elsewhere. Her Government had, in December 1991, acceded to the first Optional Protocol to the International Covenant on Civil and Political Rights, with clear benefits for the protection of the human rights of all residents in Australia and particularly its indigenous peoples. While aboriginal and Torres Strait islander peoples had responded to Australia's accession with a degree of cynicism, they acknowledged that, for the first time, they had access to an effective and impartial international forum empowered to deal with complaints.

64. Her delegation had, in the past, stressed the importance of independent national human rights machinery for making international human rights standards a reality. In that connection, the Australian Human Rights Commissioner had presented a paper on independent machinery for the protection of human rights to a seminar on national institutions dealing with discrimination convened by the Centre for Human Rights in 1991.

65. In terms of independent national machinery for the protection of human rights, the Racial Discrimination Act of 1975 was a principal mechanism whereby Australia sought to meet its international obligations in that area. The Australian Human Rights and Equal Opportunity Commission was an independent statutory body with broad responsibilities for the protection of human rights in Australia and for implementing, inter alia, the Racial Discrimination Act. Its functions included the handling of individual complaints of racial discrimination and an innovative power to conduct, on its own initiative, public inquiries into human rights matters. Those strategies promoted changes in behaviour and attitudes towards aboriginal and Torres Strait islander peoples as well as people from non-English-speaking backgrounds.

66. The Commission's most recent initiative had been a National Inquiry into Racial Violence, the major findings of which had been that racist violence against aboriginals and Torres Strait islanders was endemic, nationwide and very severe. There had been serious incidents of racist violence, intimidation, and harassment against people from non-English-speaking backgrounds, their property and their places of worships; and anti-racist activists had been subjected to incidents of violence, largely perpetrated by organized extremist groups, because of their advocacy of basic human rights.

67. The report of the Inquiry contained 67 recommendations in areas such as policing practices, the administration of justice, housing, the workplace, community relations and legislation. It also recommended that legislation should be enacted at the federal level to create specific criminal offences of racist violence and intimidation. In addition, it proposed amendments to the Racial Discrimination Act to make incitement to racial hostility unlawful and to give the Commission jurisdiction to accept, investigate and seek to conciliate complaints on that basis.

68. Her Government had endorsed almost all the recommendations made and had indicated that it would ask the Human Rights and Equal Opportunity Commission to prepare separate annual "state-of-the-nation" reports on the observance of the human rights of aboriginal and Torres Strait islander peoples as well as Australian residents of non-English-speaking backgrounds.

69. The second major activity in the field of human rights was the Royal Commission into Aboriginal Deaths in Custody. That Commission had been initiated jointly by the national Government and the governments of the Australian states and territories, in response to complaints by aboriginal and Torres Strait islander peoples and to the concern in the wider community about the number of aboriginal and Torres Strait islander deaths in custody. The Commission had investigated the deaths in custody between 1980 and 1989 of 88 male and 11 female aboriginal and Torres Strait islander persons.

70. Its final report in May 1991, contained 339 recommendations to address not only the tragic circumstances of individual deaths in custody, but also the social, cultural and administrative environment which had led to them being placed in custody. The report found that the single most significant contributing factor in the incarceration of aboriginals and Torres Strait islanders was their disadvantaged and unequal social, economic and cultural position in Australian society.

71. Her Government intended to provide a detailed national response to the recommendations by March 1992. That response would also incorporate action on the recommendations of the National Inquiry into Racist Violence and would include a substantial commitment of funds to address the problems identified by those inquiries.

72. Her delegation urged the Commission to continue to give priority to efforts to combat racism and racial discrimination. For its part, Australia would continue to work to confront its own problems through frank dialogue and in collaboration with United Nations activities in that area.

73. Mr. PEDERSEN (Denmark) said that, in 1991, his Government and the Home Rule Government of Greenland had been pleased to act as hosts for one of the meetings under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

74. The purpose of the Meeting of Experts in question, the full report of which was contained in document E/CN.4/1992/42 and Add.1, had been to review the experience of countries in the operation of schemes of internal self-government for indigenous peoples. The meeting had been held in the capital of Greenland, Nuuk, and thus in the centre of a self-governed indigenous part of the Danish realm. It had been the first United Nations meeting ever to be chaired by an indigenous person. The Danish Government had, of course, taken an active part in the preparations and conduct of the Meeting.

75. In recent years, the relationship between indigenous peoples and States had been re-examined in many parts of the world as well as within the United Nations itself and other international organizations. The basic shift in positions was from an assimilationist approach to one which recognized the value of indigenous cultures and life styles. It was also an approach that rcognized that racism was not counteracted by forced assimilation of the few by the many but by mutual respect for different cultures and values held by different peoples within the same nation.

76. That attitude was the basic platform for the ongoing work within the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was endeavouring to prepare a declaration on the rights of indigenous peoples. The first initiative for the Nuuk Meeting had come from the Working Group and it was hoped that the conclusions and recommendations of the Meeting could help the Group to finalize its draft declaration by 1993, which had been proclaimed by the General Assembly International Year for the World's Indigenous People.

77. It was important to note that the results of the Expert Meeting were based on the view that the right to self-determination was applicable to indigenous peoples. Against that background, it was agreed that States had an obligation to promote that right of the indigenous peoples in a manner consistent with all the other rights guaranteed in the International Covenants on Human Rights and other international instruments.

78. The Meeting had also based its conclusions and recommendations on the firm belief that the promotion of self-determination by indigenous peoples within a State would and should not pose a threat to the integrity of the nation State. The issue was not the disintegration of nation States but the strengthening of States by making room for the differences within them. In that connection, he noted that Denmark had experienced a strengthening of the State after granting home rule to the Faroe Islands and Greenland.

79. The Nuuk Meeting had been a success. It had produced a useful tool in terms of conclusions and recommendations, which his Government intended to promote within the relevant United Nations forums as well as within the Danish realm itself.

80. His delegation therefore urged the Commission to support the Nuuk conclusions and recommendations and to suggest their inclusion in the declaration being prepared by the Working Group. It also urged support of the other excellent proposals which the meeting had made, such as the preparation by the United Nations of a handbook on experience in self-government of indigenous peoples, the establishment by the Commission of international monitoring mechanisms to deal with indigenous peoples, and the use of the existing advisory services and technical assistance programmes within the United Nations system to finance training of the indigenous peoples and of autonomous and self-governing institutions.

81. In conclusion, he drew attention to the recommendation that the rights of indigenous peoples and the protection thereof should be dealt with on a permanent basis within the United Nations.

82. Mr. KEBRET (Observer for Ethiopia), said that his delegation welcomed the recent positive developments in South Africa as a step in the right direction. The repeal of the Land Acts, the Group Areas Act and the Population Registration Act - the pillars of apartheid - and the amendment of the notorious section 29 of the Internal Security Act were most encouraging. His delegation was also heartened by the spirit of cooperation demonstrated by the South African Government in entering into bilateral negotiations with UNHCR concerning the repatriation of thousands of political exiles, though it was clear that that task would not be fully accomplished without the proclamation of a general amnesty for the returnees. His delegation also welcomed the release of political prisoners and the lifting of the state of emergency.

83. Despite those positive changes, however, the human rights situation in South Africa still gave cause for grave concern. The apartheid system was the worst form of denial of fundamental human rights and freedoms, and the report by the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1992/8) made it abundantly clear that the system had not yet been completely dismantled. The laws still in force, which were listed in annex 1 of the report, provided a basis for the racist and discriminatory practices of the South African Government. The report drew the attention of the Commission to acts of arbitrary killing, detention without trial, intimidation, forced removal of populations, Bantustanization, persecution of workers and suspected political opponents, and other serious human rights violations in South Africa.

84. The report also indicated that racist and segregationist policies were still being pursued in such areas as education and health. It contained detailed allegations of numerous human rights violations relating to freedom of expression, freedom of movement, the right to work, and freedom of association. It also listed several cases of children who had been arbitrarily detained and subjected to various forms of abuse.

85. The outbreak of brutal and relentless violence which had affected some parts of the country, particularly the Johannesburg area, had seriously undermined the current peace process. The so-called "black-on-black" violence enabled secret murder squads to unleash an indiscriminate reign of terror against the entire black urban population.

86. The failure of the Government to deal effectively with that problem seemed to confirm that the elements responsible were to be found within the country's security forces. The situation therefore demanded that the South African Government should move rapidly to root out that menacing threat from within the security forces.

87. His delegation was particularly concerned about the transition from a white-dominated, racist social order in South Africa to a non-racial society. That process should be the sole responsibility of the all-party congress convened to discuss constitutional principles and the interim Government to be established. In his own delegation's view, the most appropriate vehicle for negotiating the transition and preparing a constitution was an elected constituent assembly. The declaration of intent adopted at the first meeting of the multiparty Convention for a Democratic South Africa, in December 1991, was an important and encouraging development in that regard

88. South Africa had entered one of the most challenging periods in its history. Since the previous year, a process had been set in motion away from confrontation and towards dialogue. The positive momentum should not be allowed to falter, and all the parties concerned must seize the historic opportunity to eradicate apartheid.

89. The international community must, however, continue to monitor the situation and to apply pressure on the Government of South Africa to force it to repeal the remaining repressive legislation, to put an end to violence and human rights violations and to create more favourable conditions for establishing a broad-based interim Government.

90. It was to be hoped that the South African Government would allow the Ad Hoc Working Group of Experts on southern Africa to visit the country in order to assess the situation and report on the progress made in abolishing apartheid. By so doing, South Africa would demonstrate its readiness to cooperate with the international community in the efforts to dismantle the apartheid system completely, which was a prerequisite for any solution.

91. Mr. EYA NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that the ideology of apartheid imposed upon South Africa by force of arms had resulted in the deaths of thousands of blacks. It had led to the impoverishment of the majority of the population and the enrichment of a small minority. Five per cent of the population controlled 88 per cent of the country's riches. The black majority accounted for 30 per cent of the illiterate population, and the purchasing power of 61 per cent of the population was below the subsistance level.

92. The Separate Amenities Act, the Land Acts, the Group Areas Act and the Population Registration Act had been abolished in theory, but not in practice. Similarly, the Bantu Education Act, which prohibited equality of opportunity between black and white pupils, was still in force.

93. In December 1991, an historic Convention for a Democratic South Africa, (CODESA) had been held in Johannesburg. Although certain organizations and political parties had refused to participate, it was the first time that blacks and whites had met to discuss the national question together.

94. Despite such efforts, however, apartheid had not yet been dismantled. There was still no national parliament representing all the political forces in the country or a Government chosen in free and democratic elections, the armed forces and other public and private sectors continued to be controlled by the white minority, and South Africans did not all enjoy their civil rights. Moreover, human rights and fundamental freedoms continued to be violated in South Africa. Estimates of the number of persons killed for political reasons in 1991 ranged from 2,600 to 3,000.

95. The complicity between certain elements of the police and pro-apartheid extremist parties gave cause for deep concern. It was difficult to understand how the De Klerk Government could announce its intention to put an end to apartheid while allowing South African armed forces and police to help pro-apartheid elements continue their violence the neo-Nazi movement of Eugene Terre Blanche to recruit Irish and Dutch mercenaries for his private army and the police to train members of the Inkatha Freedom Party to foment violence.

96. The international community must continue to impose mandatory sanctions, because otherwise the process of dismantling apartheid might well grind to a halt. The final objective of the struggle against apartheid was the drafting of a democratic, non-sexist and non-racist constitution and the setting up of a democratic Government based on free, fair and representative elections. To lift sanctions before those objectives were attained would be tantamount to supporting a system that had for years been oppressing the South African population.

97. Mr. WAREHAM (International Association against Torture) said that his delegation wished to draw attention to the desperate situation faced by some 40 million people of African descent who lived in the United States. For the past four years, his organization had been pressing the Commission to make it clear to the world that the observance of human rights by the United States was a fraud and that the racism that lay at the foundation of the country was still fuelling it.

98. The national interests of the United States increasingly set the tone for the international agenda and influenced the situations of peoples worldwide. That was why an examination of the reality of the United States practice of racism and racial discrimination was instructive in assessing the role that observance of human rights would play as the world entered the twenty-first century.

99. The overall situation was best described in resolution 1991/2 which the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted in August 1991, and in which it had concluded that the principal objectives of the decades to combat racism had been attained and that millions of human beings continued to be victims of varied forms of racism, racial discrimination and apartheid. Progress in that area had been illusory. Malcolm X, a leader in the black liberation struggle in the United States in the 1960s, had once spoken about someone sticking a knife ten inches into your back, withdrawing it two inches and calling the latter "progress".

100. At the close of the Second Decade to Combat Racism and Racial Discrimination, the situation of people of African descent had worsened wherever they were in the world. As acknowledged in the Sub-Commission resolution, the theory and practice of racism continued unabated inside the United States.

101. His organization believed it necessary to focus on the role of economics and the right to development and their relationship to the persistence of racism. He referred to the statement by a participant in a recent seminar held at Geneva that racism could develop beyond a legal system, and that States also had responsibilities apart from establishing an appropriate legal system, such as the duty to facilitate the full realization of the right to development.

102. Racism must be challenged not only as it was practised within countries but also as it was exercised against countries. An objective observer might say that, within the United Nations, racism was practised by the United States, and some European countries against the nations of colour - the third world. That was particularly true in relation to the sub-Saharan African countries where underdevelopment was directly tied to the role that the European slave trade, colonialism and plunder had played in almost completely removing them from the stage of world history. There was a legitimate concern in those countries, therefore, about the negative effects that a unified Europe allied with the United States might have on their economies.

103. While many applauded the progress currently being made in South Africa, they must remember that, but for the business conducted by the corporations of many countries that were supposed to be enforcing the trade boycott, apartheid would have been buried long ago. He wondered whether such violations would have been tolerated if a black minority had inhumanly suppressed a white majority.

104. In that regard, the United Nations had, in 1991, sanctioned and conducted a military operation, basically serving United States national interests, against Iraq. He asked whether there was any other explanation than racism why the United States, which had so proudly described its current role in effecting change in South Africa, which had had no problem in invading countries such as Grenada and Panama and which was laying the United Nations groundwork for actions against Libya and Cuba, had never employed its vast resources and powers of persuasion to mobilize a United Nations military action against South Africa.

105. In his statement the previous day, the United States representative had referred only to South Africa and had never discussed the Second Decade. He found it hardly credible that the same administration which had been forced against its will to sign the 1991 Civil Rights Act and had opposed affirmative action at home, was going to "help" black South Africans to regain lost ground and to support "international efforts to rectify past wrongs". That same administration, whose representative had stated that South African blacks must have a stake in the economy, had written off its own black population as part of the economy.

106. In conclusion, his organization joined in the call for maintaining the fight against racism as the highest priority; applying the recommendations contained in the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/CN.4/1991/39); endorsing Sub-Commission resolution 1991/2 on measures to combat racism and racial discrimination and the role of the Sub-Commission; and making substantial contributions to the Trust Fund for the Programme of the Decade for Action to Combat Racism and Racial Discrimination.

107. Mr. RETUREAU (World Federation of Trade Unions) said that the South African liberation movement, many States, most non-governmental organizations and some transnational corporations and banks had dealt a heavy blow to the odious system of apartheid. Progress could have been greater, however, if the sanctions against South Africa had been applied more rigorously by all the Member States of the United Nations - including certain permanent members of the Security Council - and by all transnational corporations. In that connection, it was unfortunate that the European Community, for instance, had been in such a hurry to lift the sanctions.

108. The patient work of the Special Rapporteur of the Sub-Commission showed how many transnational corporations had supported the criminal regime, and that was all the more to the credit of those companies that had resisted the temptation of profit and had refused to exploit workers reduced to a state of virtual slavery.

109. Although discriminatory legislation had been revoked and a political dialogue embarked upon by the head of the minority Government and the leaders of the African National Congress, those were just preliminary steps towards a complete dismantling of the institutional system of racial, political, economic, social and cultural discrimination, which would be more difficult to eradicate de facto than de jure.

110. For the moment, the apparatus of repression remained in place. "Inkathagate" and various other revelations had shown how ethnic violence had been fomented and manipulated by the racist regime. Strikes were still savagely repressed, such as the crushing of the work stoppage in the transport industry in 1991, which had led to dozens of deaths. In the eyes of the police and certain paramilitary groups, the very exercise of the right to strike was a capital offence. Trade union rights must be fully respected and without delay.

111. Working conditions were dangerous, particularly in the mines, and the question of safety at work, hygiene and occupational training must be dealt with as a matter of urgency; wage discrimination must be abolished.

112. The minority Government must participate without ulterior motives in the political and constitutional reform process aimed at establishing democracy and civil and political rights for the entire population. The De Klerk regime was non-representative from the point of view of the international law and the elementary principles of democracy. Although it had made some significant changes, it held power illegally and could not expect international recognition.

113. The World Federation of Trade Unions, which saluted the courageous resistance of the people of South Africa and praised Nelson Mandela and the Africa National Congress for having chosen the path of peace and negotiations, maintained that South Africa could not return to its place in the international community until all South Africans lived in democracy and enjoyed equality under the law.

114. The Commission must devise new United Nations initiatives to speed up the inevitable liberation of the South African people. The Security Council must ensure that the positive process embarked upon was brought to a successful conclusion, and, if the illegal minority regime sought to frustrate that process, the Security Council should envisage intervention.

115. Mr. SABORIO ARGUELLO (Observer for Nicaragua), speaking in exercise of the right of reply, said that, the previous day, the International Indian Treaty Council had alleged that Nicaragua had granted a forest concession to a Taiwanese corporation and that that would have adverse consequences for the indigenous population. His delegation wished to set the record straight. Nicaragua had not granted a concession to any national or foreign company. A study of a project for using forest resources had concluded that such a project was not in keeping with the economic and environmental interests of the country. It had therefore been rejected. Members of the indigenous population had collaborated on that study. In October 1991, President Chamorro had, in fact, declared the area to which reference had been made to be a protected area

The meeting rose at 12.20 p.m.